

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

NAOMI GONZALES,

Plaintiff,

v.

AGWAY ENERGY SERVICES, LLC,

Defendant.

No. 5:18-cv-00235 (MAD/ATB)

**ORDER**

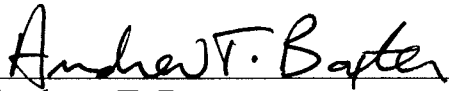
**WHEREAS** Plaintiff Naomi Gonzales brings this action on her own behalf and additionally, pursuant to Rules 23(b)(2) and 23(b)(3) of the Federal Rules of Civil Procedure, on behalf of a class of all of Defendant Agway Energy Services, LLC's New York and Pennsylvania customers charged a variable rate for residential electricity services by Defendant from November 2011 to the present (ECF No. 1, ¶ 42); and

**WHEREAS** Defendant formally defers its anticipated motion to transfer venue with respect to putative class members residing in Pennsylvania to the class certification stage of this litigation (ECF No. 102);

**THE COURT HEREBY ORDERS** as follows:

The stay of discovery relating to putative class members residing in Pennsylvania entered by this Court on June 7, 2018 is **LIFTED**.

IT IS SO ORDERED:

  
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Andrew T. Baxter  
U.S. Magistrate Judge

Dated: April 8, 2019  
Syracuse, NY